

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

EMMA KOE, et al.,

Plaintiffs,

v.

CAYLEE NOGGLE, et al.,

Defendants.

CIVIL ACTION NO.

1:23-CV-2904-SEG

ORDER

On August 20, 2023, the Court entered a preliminary injunction that enjoined Defendants from enforcing portions of S.B. 140. (Doc. 106.) Defendants moved for reconsideration of this order on August 22, 2023, citing the Eleventh Circuit Court of Appeals' order in *Eknes-Tucker v. Governor of Alabama*, 80 F.4th 1205 (11th Cir. 2023), which vacated an order that had preliminarily enjoined a similar Alabama statute. (Doc. 108.)

The Court stayed the preliminary injunction in this case on September 5, 2023. (Doc. 119.) The Court also stated that it would hold adjudication of Defendants' motion for reconsideration until "either (1) expiration of the period for seeking rehearing in *Eknes-Tucker*, if no rehearing is sought; or, if rehearing is sought (2) determination by the Court of Appeals as to whether

rehearing will be granted.” (*Id.* at 4.) On August 28, 2024, the Eleventh Circuit denied the petition for rehearing in *Eknes-Tucker*. See Doc. 130-1.

On June 24, 2024, the Supreme Court of the United States granted certiorari in *United States v. Skrmetti*, No. 23-477. As in this case, *Skrmetti* poses the question of whether a ban on “gender-affirming healthcare for transgender adolescents[] triggers heightened scrutiny and likely violates the Fourteenth Amendment’s Equal Protection Clause.” Cert. Pet. at 3, *United States v. Skrmetti*, No. 23-47 (U.S. Nov. 1, 2023).

The parties have filed a joint notice requesting that the Court “maintain the stay of the preliminary injunction, further defer resolution of Defendants’ motion for reconsideration, and continue to stay any deadlines for responsive pleadings” pending the Supreme Court’s resolution of *United States v. Skrmetti*. (Doc. 131.) That request is GRANTED. The preliminary injunction shall remain STAYED and all other proceedings in this case are hereby STAYED¹ pending the resolution of *United States v. Skrmetti* in the Supreme Court. The parties are DIRECTED to file a notice with the Court informing it of the Supreme Court’s ruling once entered.

¹ The Clerk is DIRECTED to administratively close this case for the duration of the stay. Administrative closure of a case is a docket control device used by the Court for statistical purposes. It does not prejudice the rights of the parties to litigation in any manner.

SO ORDERED this 13th day of September, 2024.

A handwritten signature in blue ink, reading "Sarah E. Geraghty", is written over a horizontal line.

SARAH E. GERAGHTY
United States District Judge